

## Message Text

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FM SECSTATE WASHDC

TO USMISSION BERLIN

INFO AMEMBASSY BONN

C O N F I D E N T I A L STATE 112983

E.O. 11652: GDS

TAGS: PGOV, WB, GW

SUBJECT: BERLIN DEMOCRATIC CLUB VS. SCHLESINGER--USCOB  
AFFIDAVIT

REF: BERLIN 881

1. SUMMARY: USCOB AFFIDAVIT HAS BEEN REVISED TO  
TAKE INTO ACCOUNT MOST OF COMMENTS REFTEL. THERE  
IS NO OBJECTION TO ITS EXECUTION BY USCOB. END SUMMARY

2. USBER COMMENTS HAVE BEEN DISCUSSED WITH ARMY GC  
OFFICE. SUGGESTIONS REFTEL PARAS (4) A, B, C, AND G,  
WHICH ENHANCE TEXT'S CLARITY, WERE ACCEPTED WITHOUT  
QUESTION. RE PARAS (4) D AND F, ARMY WISHED TO HAVE  
SUCH MATERIAL IN AFFIDAVIT FOR BOTH DIRECT AND ATMOS-  
PHERIC SUPPORT TO THEIR DEFENSE, AND DEPARTMENT DOES  
NOT WISH TO SECOND GUESS THEM IN THIS RESPECT.  
THEREFORE, LAST SENTENCE OF PARA 6 HAS BEEN RETAINED,  
BUT WITH MINOR MODIFICATION TO MAKE CLEAR THIS IS  
NEGATIVE NOT POSITIVE FEATURE OF BERLIN TO US.  
PARA 7 HAS BEEN SLIGHTLY REDRAFTED, AND USBER'S  
REDRAFT OF LAST SENTENCE OF PARA 8 HAS BEEN ADOPTED.

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3. DEPARTMENT AGREES WITH USBER (PARA 2 REFTEL) VIEW OF EARLIER DRAFT. WITH USBER'S FURTHER SUGGESTIONS FOR IMPROVEMENT NOW INCLUDED, WE BELIEVE AFFIDAVIT SHOULD BE PROMPTLY EXECUTED.

4. AS REVISED, AFFIDAVIT IS AS FOLLOWS:

1. I AM A MAJOR GENERAL, UNITED STATES ARMY. SINCE MAY, 1971, I HAVE SIMULTANEOUSLY BEEN COMMANDANT, UNITED STATES SECTOR, BERLIN; UNITED STATES COMMANDER, BERLIN; DEPUTY CHIEF, UNITED STATES MISSION, BERLIN; AND COMMANDER, UNITED STATES ARMY, BERLIN.

2. BERLIN IS OCCUPIED PURSUANT TO WARTIME AND POSTWAR AGREEMENTS BY THE FOUR VICTORIOUS POWERS OF WORLD WAR II. EACH POWER -- THE UNITED STATES, THE UNITED KINGDOM, FRANCE, AND THE SOVIET UNION -- HAS PRIMARY AUTHORITY WITHIN ITS RESPECTIVE SECTOR OF THE CITY. EAST BERLIN IS THE SOVIET SECTOR OF BERLIN. THE THREE WESTERN SECTORS OF BERLIN ARE SUBJECT TO THE GENERAL GOVERNMENTAL SUPERVISION OF A TRIPARTITE ALLIED KOMMANDATURA AND THAT OF THE INDIVIDUAL OCCUPYING POWERS WITHIN THEIR RESPECTIVE SECTORS. THE WESTERN SECTORS OF BERLIN CONTINUE NOT TO BE A CONSTITUENT PART OF THE FEDERAL REPUBLIC OF GERMANY AND NOT TO BE GOVERNED BY IT, ALTHOUGH THEY MAINTAIN AND CONTINUE TO DEVELOP IMPORTANT TIES TO THE FEDERAL REPUBLIC SUCH AS LEGAL, CULTURAL AND ECONOMIC TIES.

3. BECAUSE OF THE UNIQUE CHARACTER OF BERLIN AS AN OCCUPIED CITY, I AM CHARGED WITH DUTIES BOTH MILITARY AND GOVERNMENTAL IN NATURE. THE UNITED STATES AMBASSADOR TO THE FEDERAL REPUBLIC OF GERMANY IS THE CHIEF OF THE UNITED STATES MISSION, BERLIN, AND IS THUS THE SENIOR UNITED STATES GOVERNMENT OFFICIAL IN GERMANY WITH RESPONSIBILITIES FOR BERLIN. I AM APPOINTED AS HIS PERSONAL REPRESENTATIVE IN BERLIN AND AM AUTHORIZED IN HIS BEHALF TO PERFORM SPECIFIED GOVERNMENTAL FUNCTIONS. IN ADDITION, I HAVE OVERALL

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RESPONSIBILITY FOR THE OPERATIONAL READINESS OF THE UNITED STATES FORCES IN BERLIN, WHICH TOGETHER WITH BRITISH AND FRENCH FORCES HAVE ULTIMATE RESPONSIBILITY FOR THE PHYSICAL SECURITY OF THE THREE WESTERN SECTORS OF BERLIN. PHYSICAL SECURITY IS ESSENTIAL FOR THE MAINTENANCE OF THE VIABILITY OF THOSE SECTORS. THE BRITISH AND FRENCH COMMANDANTS AND I ARE THE SENIOR MEMBERS OF THE ALLIED KOMMANDATURA, THE TRIPARTITE

STRUCTURE THROUGH WHICH THE ALLIES EXERCISE THEIR SPECIAL RIGHTS AND RESPONSIBILITIES IN THE WESTERN SECTORS OF BERLIN. AS THE FINAL LEGAL AUTHORITY IN THE WESTERN SECTORS, THE KOMMANDATURA PROMULGATES ORDERS WITH THE FORCE OF LAW AND ISSUES LETTERS OF INSTRUCTION BINDING UPON THE LOCAL GERMAN GOVERNMENTAL AUTHORITIES.

4. I AM KNOWLEDGEABLE GENERALLY ABOUT UNITED STATES MILITARY COUNTERINTELLIGENCE ACTIVITIES IN BERLIN, WHICH ARE CARRIED OUT PURSUANT TO THE AUTHORITY OF THE COMMANDER-IN-CHIEF, UNITED STATES ARMY, EUROPE- UNDER EXECUTIVE ORDER 10608, TO PROTECT THE SECURITY OF THE FORCES AGAINST ESPIONAGE, SABOTAGE, AND SUB- VERSION.

5. BERLIN IS AN ENCLAVE LOCATED 110 MILES INTO THE GERMAN DEMOCRATIC REPUBLIC. THE WESTERN SECTORS OF THE CITY ARE SURROUNDED ON THREE SIDES BY THE GERMAN DEMOCRATIC REPUBLIC AND ON THE FOURTH BY THE SOVIET SECTOR OF BERLIN. IT IS SIGNIFICANT IN THIS REGARD THAT THE SOVIET UNION AND THE GERMAN DEMOCRATIC REPUBLIC HAVE FIVE DIVISIONS WITHIN A RADIUS OF 20 MILES OF THE CITY. FURTHERMORE, SINCE THE ALLIES BELIEVE THAT MOVEMENT WITHIN THE FOUR SECTORS SHOULD BE UNIMPEDED, THERE IS READY ACCESS TO THE WESTERN SECTORS FROM THE SOVIET SECTOR.

6. BERLIN IS ONE OF OUR PRINCIPAL FOREIGN CONCERNS. BERLIN HAS LONG BEEN REGARDED AS SYMBOLIC OF OUR COMMITMENT TO OUR ALLIES, TO OUR TREATY OBLIGATIONS AND TO THE PRINCIPLE OF SELF-DETERMINATION. BERLIN'S STRATEGIC LOCATION IS ALSO OF CONSIDERABLE SIGNIFICANCE  
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TO UNITED STATES FORCES IN EUROPE AND TO NATO. IT IS, HOWEVER, ALSO A MAJOR POINT OF ENTRY FOR FOREIGN INTELLIGENCE AGENTS TO GAIN ACCESS TO THE WEST AND IS THE FOCAL POINT OF A CONSIDERABLE AMOUNT OF ESPIONAGE ACTIVITIES IN WHICH MANY FOREIGN POWERS ARE ACTIVELY ENGAGED.

7. AS A RESULT OF BERLIN'S SPECIAL SITUATION, IN ADDITION TO TAKING ACTION TO PRESERVE THE SECURITY AND READINESS OF OUR TROOPS AND TO GUARD AGAINST SUBVERSION, ESPIONAGE AND SABOTAGE DIRECTED AGAINST OUR FORCES, MY COMMAND MUST TAKE EVERY PRECAUTION NECESSARY TO PROTECT AGAINST UNITED STATES TROOPS ENGAGING IN CONDUCT EMBARRASSING TO THE PRESENCE OF THE ALLIES OR IN- COMPATIBLE WITH QUADRAPARTITE BERLIN ARRANGEMENTS.

WERE THE LATTER TO TAKE PLACE IT MIGHT, CONCEIVABLY, OCCASION A SOVIET REACTION.

8. THE UNITED STATES COMMAND, BERLIN, HAS SEVERAL MISSIONS. THE MILITARY MISSION IS TO PROVIDE SECURITY FOR THE UNITED STATES SECTOR OF BERLIN AND, IN COOPERATION WITH THE TROOPS OF THE UNITED KINGDOM AND OF FRANCE, FOR THE WESTERN SECTORS OF BERLIN. AS PREVIOUSLY INTIMATED, MOREOVER, OUR FORCES HAVE AN ADDITIONAL MISSION OF REPRESENTING THE COMMITMENT OF THE UNITED STATES TO BERLIN. IN ORDER TO PERFORM THESE MISSIONS, UNITED STATES FORCES MUST APPEAR TO AND ACTUALLY MAINTAIN A HIGH STATE OF READINESS. WERE A CIVIL DISTURBANCE, WHETHER OR NOT FOMENTED FROM OUTSIDE THE WESTERN SECTORS OF BERLIN, TO EXCEED THE CAPABILITY OF LOCAL POLICE OUR FORCES MIGHT BE REQUIRED TO PARTICIPATE IN PRESERVING THE INTERNAL SECURITY OF THE CITY.

9. THE UNITED STATES FORCES IN BERLIN HAVE BEEN AND CONTINUE TO BE THE TARGET OF IDENTIFIED FOREIGN INTELLIGENCE SERVICES. IN ADDITION, SOME PERSONS AND ORGANIZATIONS ACTING INDEPENDENTLY CARRY OUT ILLEGAL ACTIVITIES DIRECTED AGAINST THE UNITED STATES IN BERLIN.

10. EXAMPLES OF THE LATTER WITHIN THE LAST THREE YEARS  
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INCLUDE THE DESTRUCTION OF TWO AUTOMOBILES WITH UNITED STATES ARMY, EUROPE, LICENSE PLATES -- ONE BY A FIRE-BOMBING IN SEPTEMBER 1971, AND THE OTHER BY A BOMB IN APRIL 1972; THE PLANTING OF A BOMB, DEACTIVATED LESS THAN AN HOUR BEFORE IT WAS TO EXPLODE, OUTSIDE A CELLAR WINDOW OF THE OFFICERS' AND CIVILLIAN EMPLOYEES' OPEN MESS IN APRIL 1972, AT THE UNITED STATES HEADQUARTERS IN BERLIN; THE DETONATION OF A BOMB ON DECEMBER 24, 1972, WHICH DAMAGED THE UNITED STATES ARMY BERLIN NONCOMMISSIONED OFFICERS' CLUB; AND THE PLANTING OF TWO BOMBS, ONE DISCOVERED BUT TWO MINUTES BEFORE IT WAS TO HAVE EXPLODED, UNDER AN AIR FORCE DISPLAY AIRCRAFT AT THE MAIN CIVILLIAN AIRPORT OF BERLIN IN APRIL 1972. THERE HAS ALSO BEEN ACTIVITY WHICH GAVE RISE TO CONCERN THAT UNITED STATES SOLDIERS IN BERLIN MIGHT BE THE TARGETS OF SUBVERSIVE ACTION, INCLUDING SOLICITATION TO DESERT.

11 BECAUSE OF THE POTENTIAL FOR SUBVERSION, ESPIONAGE, AND SABOTAGE AGAINST OUR FORCES, AND THE IMPORTANCE OF THE UNITED STATES ROLE IN BERLIN, IT IS NECESSARY TO UTILIZE, WHEN APPROPRIATE, MILITARY INTELLIGENCE MEASURES

INTENDED TO INVESTIGATE AND TO COUNTER THESE ACTIVITIES, INCLUDING, UNDER THE RETAINED AUTHORITY OF THE UNITED STATES AS OCCUPIER, THE MONITORING OF POSTAL AND TELEPHONE COMMUNICATIONS WITHIN ITS SECTOR OF BERLIN. IN THE ABSENCE OF SUCH EFFORTS, UNIMPEDED ACTIVITIES DIRECTED AGAINST UNITED STATES FORCES WOULD GRAVELY HINDER THE ACCOMPLISHMENT OF THEIR MISSIONS. BROWN

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